

Dinsmore & Shohl LLP
ATTORNEYS**FACSIMILE TRANSMITTAL**

July 12, 2006

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To: Examiner H. Lilling**Firm:** MAIL STOP AMENDMENT**Fax Number:** 571-273-8300**Client Number:** OSU 0003 PA/41096.8**Pages:** 3
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Application of

Applicants : Yang et al
Serial No. : 10/785,274
Filed : February 24, 2004
Title : **IMMOBILIZATION OF ENZYME ON A FIBROUS
MATRIX**
Docket : OSU0003PA/41096.8
Examiner : H. Lilling
Art Unit : 1651
Conf. No. : 3860

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Commissioner for Patents
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Alexandria, VA 22313-1450

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Attorney

Reg. No. 29,001

Sir:

RESPONSE TO RESTRICTION AND SPECIES ELECTION REQUIREMENTS

This paper is being filed in response to the Office Action mailed June 23, 2006. In that Action, the Examiner required restriction and election from among the following "inventions":

- I. Claims 1-36, directed to a process for preparing a multilayer enzyme immobilized onto a fibrous matrix;
- II. Claim 37, directed to a process of using a multilayer immobilized enzyme as prepared in claim 1 for the production of galacto-oligosaccharides;
- III. Claim 38, directed to a process of using the product of claim 1 for the hydrolysis of lactose; and
- IV. Claims 39-40, directed to a fibrous bed catalytic reactor for producing galacto-oligosaccharides or for the hydrolysis of lactose to glucose and galactose.

Applicant hereby elects Group I, claims 1-36, with traverse. Applicant submits that the claims are but different ways of claiming the same invention. The Examiner's stated basis for restricting the claims in Groups II through IV from the claims in Group I is that "[I]n the instant case the processes are drawn to different uses in different processes classified in different areas." Claims 1 and 37-38, respectively, are related as processes of making and using the same multilayer immobilized enzyme, the process of making which is recited in claim 1. Claims 39-

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40 recite a fibrous-bed biocatalytic reactor that uses the multilayer immobilized enzyme made by the process of claim 1. Thus, the process of using and the apparatus cannot be practiced with a materially different product. Nor has the Examiner shown that the product made by the process of claim 1 can be used in a materially different process or apparatus. The Examiner has failed to establish a proper basis for the requirement, and the requirement should be withdrawn.

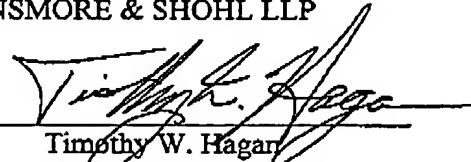
In the Office Action, the Examiner also required applicant to elect single species from among Groups A., B., and C. Applicant hereby elects the species A.a., B.a., and C.a., with traverse. Applicant believes that claims 1-37 read on elected species A.a. Applicant believes that claims 1-37 also read on elected species B.a. Species C.a. and C.b. relate to non-elected apparatus claims 39 and 40. Applicant understands that at least claims 1 and 37-40 are generic to these species and that upon the allowance of a generic claim, applicant will be permitted to rejoin non-elected species.

Applicant requests withdrawal of the restriction and election requirements as improper and awaits an action on the merits of all of the claims.

Respectfully submitted,

DINSMORE & SHOHL LLP

By



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